

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS
(Jointly Administered)

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.¹

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3284-LTS

PUERTO RICO SALES TAX FINANCING
CORPORATION (COFINA),

Debtor.

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ORDER DENYING DAVID R. MARTIN'S MOTION FOR LEAVE TO FILE
AMICUS BRIEF REGARDING SUPPLEMENTAL BRIEFING
CONCERNING APPROVAL OF SETTLEMENT AND COFINA PLAN OF ADJUSTMENT

The Court has received and carefully reviewed *David R. Martin's Motion for Leave to File Amicus Brief Regarding Supplemental Briefing Concerning Approval of Settlement and COFINA Plan of Adjustment* (the "Motion," Docket Entry No. 4847 in Case No. 17-3283

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

and Docket Entry No. 531 in Case No. 17-3284) filed by Mr. David R. Martin (the “Movant”). In the First Circuit, the acceptance of amicus briefs is within the sound discretion of the court. Strasser v. Doorley, 432 F.2d 567, 569 (1st Cir. 1970). Absent joint consent of the parties, a district court “should go slow in accepting, and even slower in inviting, an amicus brief unless, [] a party . . . has a special interest that justifies his having a say, or unless the court feels that existing counsel may need supplementing assistance.” Id.

The proffered amicus brief argues that the Court must determine “whether the Commonwealth-COFINA Settlement and COFINA Plan of Adjustment are valid under the Puerto Rico Constitution” prior to confirmation of the proposed COFINA Plan of Adjustment. Other opponents to the proposed COFINA Plan of Adjustment raised this argument in timely-filed briefs and in oral argument at the hearing held on January 16 and 17, 2019. (See, e.g., Docket Entry No. 4585 in Case No. 17-3283 at 13; Docket Entry No. 4850 in Case No. 17-3283 at 42-43.) Accordingly, the Court determines that the arguments raised in the proffered amicus brief will not provide “supplementing assistance” to existing counsel, and that Movant has not established that he has a special interest in this case that justifies the filing of an amicus brief at this juncture.

This Order resolves Docket Entry No. 4847 in Case No. 17-3283 and Docket Entry No. 531 in Case No. 17-3284.

SO ORDERED.

Dated: January 23, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge